

### **Remarks**

With the entry of this Amendment, claims 17, 19, 21, 22 and 24-27 are pending. Claims 17, 24 and 27 have been amended to recite that the tissue anchor has a cylindrical body with a length greater than its diameter. Support for this amendment can be found, for example, in Fig. 7 and paragraph [0030]. Claim 27 has further been amended to eliminate the term “vaginal” from the preamble. Claims 1-16, 18, 20 and 23 remain cancelled.

Previously presented claims 17, 19, 21, 22 and 24-27 were rejected as being anticipated by U.S. Patent 5,333,624 to Tovey. The Examiner asserted that Tovey discloses a sling system including a rectangular sling, sling anchors having a cylindrical body with a bore therethrough, a suture and an inserter. Examiner further asserted that the cylindrical body disclosed in Tovey includes a bore extending perpendicularly to the longitudinal axis of the cylindrical body because the cylindrical body has a shorter width than the diameter of the cylinder.

Amended claims 17, 24 and 27 recite that the tissue anchors include a cylindrical body having a length that is greater than its width and a bore extending therethrough to secure the sling anchors to the end portions of the sling. Claim 24 further recites that the bore extends perpendicular to the length of the elongate cylindrical body. The cleat disclosed in Tovey does not include the claimed cylindrical body at least because, as acknowledged by Examiner, the “width” (corresponding to the length of the claimed cylindrical body) of the cleat is shorter than the diameter of the circular portion of the cleat. Moreover, with respect to claim 24, the bore extending through the cleat extends parallel to the width of the cleat. Accordingly, Tovey fails to teach or suggest each and every feature of the claimed invention.

Tovey also fails to teach or suggest additional features recited in claims 17, 24 and 27. For example, Tovey does not teach or suggest that the eyelet 12 secures the cleat 10 to the implant as recited by claims 17 and 27. Instead, the cleats 10 are embedded in the implant, and the eyelet secures the cleat 10 to an insertion device 20. Furthermore, claims 25 and 26 recite that the system further includes a suture extending through the bore to secure the anchors to the sling ends. Tovey does not teach or suggest a suture that secures the cleat 10 to the implant. Rather, Tovey teaches a suture that secures the cleat 10 to the insertion device 20.

Previously presented claims 17, 19, 21, 22 and 24-27 were also rejected as being anticipated by US 6,042,534. (Gellman). The Examiner asserted that Fig. 11 of Gellman shows a cylindrical tissue anchor, and that incorporated patent 5,766,221 also shows a cylindrical anchor. Applicants respectfully assert that Gellman does not teach each and every limitation of the pending claims.

First, Gellman discloses bone anchors rather than soft tissue anchors. Additionally, contrary to Examiner's assertion, the anchor shown in two dimensions in Fig. 11 does not clearly show a cylindrical body. Only incorporated patent 5,766,221 shows in Fig. 18 a bone anchor having a roughly cylindrical body 365 with flange 386 from one end of the cylindrical body 365 that includes an eye 382 through which the suture is threaded. However, the eye 382 does not extend through the cylindrical body as required by claims 17, 24 and 27. Rather, the eye 382 extends through a non-cylindrical portion of the anchor, namely flange 386.

Even if the eye 382 alone is considered a cylindrical body as Examiner asserted with respect to Tovey, the eye 382 does not have a length that is greater than its diameter as claimed. Additionally, it would not be obvious to modify the cylindrical body to include eye 382 because the purpose of the eye 382 is to receive a suture for connection to a support element. The eye 382 could not reasonably serve that purpose once embedded in bone as taught by Gellman.

Applicants respectfully request that the Examiner withdraw the pending rejections/objections and issue a Notice of Allowance. In lieu of the foregoing, Applicants request that the Examiner contact the undersigned representative to discuss the contents of this communication.

Respectfully Submitted,

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